

**SAO**

TRACY A. EGLET, ESQ.

Nevada Bar No.: 6419

JAMES A. TRUMMELL, ESQ.

Nevada Bar No.: 14127

BRITTNEY R. GLOVER, ESQ.

Nevada Bar No.: 15412

**EGLET ADAMS**400 South 7th Street, 4<sup>th</sup> Floor

Las Vegas, Nevada 89101

Email: [eservice@egletlaw.com](mailto:eservice@egletlaw.com)

Tel.: (702) 450-5400

Fax: (702) 450-5451

*Attorneys for Plaintiffs**Jennifer Wyman, Bear Wyman,**and the Estate of Charles Wyman***UNITED STATES DISTRICT COURT****DISTRICT OF NEVADA**WESCO INSURANCE COMPANY, as subrogee  
of its insured, NICKELS AND DIMES  
INCORPORATED,

Plaintiff,

vs.

SMART INDUSTRIES CORPORATION d/b/a  
SMART INDUSTRIES CORP, MFG, an Iowa  
corporation,

Defendants.

Case No. 2:16-cv-01206-JCM-EJY

**STIPULATION AND ORDER FOR  
EXTENSION OF TIME TO FILE  
PLAINTIFFS' REPLIES TO THEIR  
MOTIONS IN LIMINE NOS. 5, 6,  
AND 7 (First Request)**JENNIFER WYMAN, individually; BEAR  
WYMAN, a minor, by and through his natural  
parent JENNIFER WYMAN; JENNIFER  
WYMAN and VIVIAN SOOF, as Joint Special  
Administrators of the ESTATE OF CHARLES  
WYMAN; and SARA RODRIGUEZ, natural  
parent and guardian ad litem of JACOB WYMAN,

Plaintiffs,

CONSOLIDATED WITH  
Case No. 2:16-cv-02378-JCM-CWH

1 vs.

2 SMART INDUSTRIES CORPORATION, d/b/a  
3 SMART INDUSTRIES CORP., MFG, an Iowa  
4 corporation, HI-TECH SECURITY INC., a Nevada  
5 corporation; WILLIAM ROSEBERRY;  
6 BOULEVARD VENTURES, LLC, a Nevada  
7 corporation; DOES I thought V; DOES 1 thought  
8 10; BUSINESS ENTITIES I through V; and ROE  
9 CORPORATIONS 11 through 20, inclusive,

10 Defendants.

11 HI-TECH SECURITY, INC; and WILLIAM  
12 ROSEBERRY,

13 Third-Party Plaintiffs,

14 vs.

15 NICKELS AND DIMES INCORPORATED,

16 Third-Party Defendant.

17 On October 1, 2020, Wyman Plaintiffs filed their Motion in Limine No. 5 to Preclude  
18 Any Argument that the Subject Arcade Machine Defect Did Not Exist When it Left Smart  
19 Industries Corporation's Possession (ECF No. 288) and Motion in Limine No. 6 to Exclude  
20 Argument or Reference that the Junction Box, Receptable, and Other Component Parts  
21 Contained Therein Were Repaired and/or Replaced as Such Argument Lacks Foundation (ECF  
22 No. 289). On October 6, 2020, Wyman Plaintiffs filed their Motion in Limine No. 7 to Exclude  
23 Charles Wyman's Toxicology Report and Any Argument or Reference to his Alleged Drug Use  
24 (ECF No. 294). On October 15, 2020 and October 20, 2020, Defendant Smart Industries  
25 Corporation filed two separate Stipulation and Orders for an Extension of Time to file its  
26 Oppositions to Plaintiffs' Motions in Limine until October 22, 2020 (ECF Nos. 299 and 301).  
27 On October 22, 2020, Defendant Smart Industries Corporation filed its Oppositions to Plaintiffs'

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Motions in Limine (ECF Nos. 303, 305, and 306). Wyman Plaintiffs' Replies to Defendant Smart Industries Corporation's Oppositions to Wyman Plaintiffs' Motions in Limine are currently due October 29, 2020. Wyman Plaintiffs have requested a one-week extension of time to file their Replies in Support of their Motions in Limine. Defendant Smart has agreed to Wyman Plaintiffs' request, which would make the replies due on November 5, 2020.

This Stipulation is submitted in good faith and is not interposed for purposes of delay. Due to unexpected delays and having not received Defendant Smart's Oppositions until October 22, 2020, with this Court's approval, the parties hereby agree that that the deadline for Wyman Plaintiffs to file the above-mentioned briefs, shall be extended by one week, or such other time as deemed appropriate by the Court. As such, the deadline for filing said briefs shall be November 5, 2020.

Respectfully submitted by:

Approved as to Form and Content by:

DATED this 29th day of October, 2020.

DATED this 29th day of October, 2020.

/s/ Tracy A. Eglet, Esq.  
 TRACY A. EGLET, ESQ.  
 Nevada Bar No. 6419  
 JAMES A. TRUMMELL, ESQ.  
 Nevada Bar No. 14127  
 BRITTNEY R. GLOVER, ESQ.  
 Nevada Bar No. 15412  
 EGLET ADAMS  
 400 South Seventh Street, Suite 400  
 Las Vegas, Nevada 89101  
*Attorneys for Plaintiffs*

/s/ Joseph R. Meservy, Esq.  
 DAVID BARRON, ESQ.  
 Nevada Bar No. 142  
 WILLIAM H. PRUITT, ESQ.  
 Nevada Bar No. 6783  
 JOSEPH R. MESERVY, ESQ.  
 Nevada Bar No. 14088  
 BARRON & PRUITT, LLP  
 3890 West Ann Road  
 North Las Vegas, Nevada 89031  
*Attorneys for Defendant  
 Smart Industries Corporation*

### ORDER

Based upon the Stipulation of the parties hereto, and for good cause, IT IS HEREBY ORDERED, that the Stipulation to Extend hereinabove is hereby Granted.

DATED October 30, 2020.

*James C. Mahan*  
 UNITED STATES DISTRICT JUDGE

From: [Joseph R. Meservy](#)  
To: [Brittney Glover](#)  
Cc: [MaryAnn Dillard](#); [James Trummell](#); [Kiera Buckley](#)  
Subject: RE: Wyman, et. al. v Smart Industries - Extension to File Replies  
Date: Thursday, October 29, 2020 9:21:47 AM  
Attachments: [image001.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)

You are welcome. Thanks for the edit, you may affix my e-signature.

Sincerely,  
Joseph R. Meservy, Esq.  
**Barron & Pruitt, LLP**  
LAWYERS

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**From:** Brittney Glover [mailto:[bglover@egletlaw.com](mailto:bglover@egletlaw.com)]  
**Sent:** Thursday, October 29, 2020 6:00 AM  
**To:** Joseph R. Meservy <[jmeservy@lvnlaw.com](mailto:jmeservy@lvnlaw.com)>  
**Cc:** MaryAnn Dillard <[MDillard@lvnlaw.com](mailto:MDillard@lvnlaw.com)>; James Trummell <[jtrummell@egletlaw.com](mailto:jtrummell@egletlaw.com)>; Kiera Buckley <[kbuckley@egletlaw.com](mailto:kbuckley@egletlaw.com)>  
**Subject:** RE: Wyman, et. al. v Smart Industries - Extension to File Replies

Joseph,

Your requested change has been made.

Thank you,  
Brittney

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**From:** Joseph R. Meservy <[jmeservy@lvnlaw.com](mailto:jmeservy@lvnlaw.com)>  
**Sent:** Wednesday, October 28, 2020 5:49 PM  
**To:** Brittney Glover <[bglover@egletlaw.com](mailto:bglover@egletlaw.com)>  
**Cc:** MaryAnn Dillard <[MDillard@lvnlaw.com](mailto:MDillard@lvnlaw.com)>; James Trummell <[jtrummell@egletlaw.com](mailto:jtrummell@egletlaw.com)>; Kiera Buckley <[kbuckley@egletlaw.com](mailto:kbuckley@egletlaw.com)>  
**Subject:** RE: Wyman, et. al. v Smart Industries - Extension to File Replies

Hi Brittney:

[REDACTED]

With that change you may affix my e-signature.

Sincerely,  
Joseph R. Meservy, Esq.  
**Barron & Pruitt, LLP**  
LAWYERS

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**Sent:** Wednesday, October 28, 2020 3 04 PM  
**To:** Joseph R. Meservy <[jmeservy@lvnlaw.com](mailto:jmeservy@lvnlaw.com)>  
**Cc:** MaryAnn Dillard <[MDillard@lvnlaw.com](mailto:MDillard@lvnlaw.com)>; James Trummell <[jtrummell@egletlaw.com](mailto:jtrummell@egletlaw.com)>; Kiera Buckley <[kbuckley@egletlaw.com](mailto:kbuckley@egletlaw.com)>  
**Subject:** Wyman, et. al. v Smart Industries - Extension to File Replies

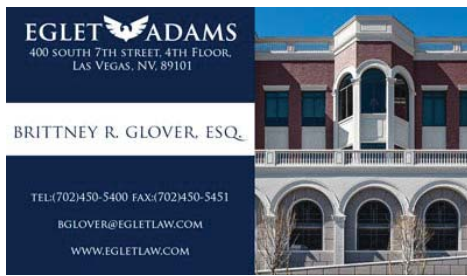
Hi Counsel,

[REDACTED]

Thank you,

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Brittney R. Glover, Esq.  
p: (702) 450-5400  
w: [www.egletlaw.com](http://www.egletlaw.com)



a: 400 South 7th Street, Suite #400 Las Vegas, NV 89101  
YouTube+ f in t

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